IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICGTION

Contempt Petition NO. 26 of 2005

in

Suit No. 1155 of 1993

Arihat Tower Coop. Hsg. Socy. Ltd. ... Petitioners

vs.

Srichand V. Raheja and anr. . ... Respondents

Bharat Vaishnava for petitioners

A. Y. Sakhare i/b. Ranjit & Co.,
for respondents.

CORAM: **A. S. AGUIAR J.**

Date: 29/4/2005

P.C.

Contempt is alleged in respect of the order of this court (Radhakrishnan J.) dated 17th October 2003 accepting the undertaking contained in the consent terms , more particularly undertaking at clause 5 of the consent terms that the Plaintiffs shall construct fourteen open garages in the compound of the said

"Arihant Tower" building within one year from the date of signing of the consent terms. It is the contention of the learned advocate for the Respondents that the Respondents are willing to construct the garage as undertaken, but the construction of the garage by the Respondents is being opposed by the Petitioners and its members.

Learned advocate for the Petitioners states that the construction work being carried on by the Respondents in the adjoining plot would make it next to impossible for the Respondents to construct the garages in the Petitioner society premises. Learned advocate for the Respondents maintains that the Respondents will be able to carry out the construction of the garage provided the Petitioner and its members do not obstruct the work. However, since the construction will take some time, the work may be commenced only after the monsoon. Accordingly, by consent, the following order is passed:

The Respondents will start construction of the basement in the month of October 2005 i.e., after the monsoon and will complete the work be completed within 3 months. Within 6 months thereafter, Respondents will construct the garages. Learned advocate for the

Petitioners state that they will not obstruct the construction of the basement or any other work by the Respondents and further they will pay a sum of Rs.10,000/- per garage , as agreed in clause 5 of the consent terms.

With the above order petition stands disposed of. No order as to costs.

(A. S. AGUIAR J.)